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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,165	12/15/2003	Martin J. Dowling	I-2-0585.1US	4418

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EXAMINER	
BALAOING, ARIEL A	

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/736,165	DOWLING, MARTIN J.	
	Examiner	Art Unit	
	Ariel Balaoing	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-7 and 22-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-7 and 22-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by HALLER et al (US 2003/0083011 A1).

Regarding claim 22, HALLER discloses in a wireless communication system (Figure 1) comprising at least one operating device **107** and at least one wireless transmit/receive units (WTRUs) **106**, a method for remote alerting (abstract), the method comprising: a first operating device **106** detecting the exceeding of a predefined threshold and transmitting to a first WTRU **106** an exceeded threshold signal (Figures 5a, 5b; abstract; paragraph 86-89); the first WTRU receiving the exceeded threshold signal (paragraph 86-89); the first WTRU alerting a wearer of the first WTRU (paragraph 86-89).

Regarding claim 23, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HALLER further discloses wherein the exceeded threshold signal includes information identifying the first operating device and the nature of a problem causing the exceeded threshold (Figures 5a, 5b; abstract; paragraph 86-89).

Regarding claim 24, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HALLER further discloses wherein the alert to the wearer of the first WTRU is displayed to the wearer, and wherein the display includes the nature of the problem causing the exceeded threshold and the information identifying the first operating device (Figures 5a, 5b; abstract; paragraph 86-89).

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1, 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over OSBORN (US 6,119,022) in view of BACH et al (US 6,377,795 B1) and further in view of HALLER et al (US 2003/0083011 A1).

Regarding claim 1, OSBORN discloses a silent alerting system comprising: a wearable device (16-Figure 1; column 4:lines 31-45) comprising: a vibrator (column 6:lines 49-60); a receiver that activates the vibrator upon receiving a predetermined signal (abstract; column 5:lines 5-36; column 6:lines 49-60); a power supply that powers the vibrator and receiver (column 5:lines 5-36); and a communication device (10, 14-Figure 1) comprising: a transceiver **23** to link to a wireless network (column 4:lines 31-

45); a classification device to classify incoming calls based on information from a database (column 6:lines 35-48); and a signaling device to silence said communication device, record a message, and send an alert signal according to the call classification to said receiver upon receipt of said call (column 6:line 35-column 7:line 43; calls are classified according to user indication of call numbers within a memory [database] of the device). However, OSBORN does not expressly teach a classifying device classifying an incoming call based on a caller response to a query and configured to determine whether or not to transmit an alert signal based upon the call classification; and selectively transmitting the alert signal according to the call classification. BACH discloses a classifying device classifying an incoming call based on a caller response to a query (column 2:line 54-column 3:line 26; BACH allows the call the ability to be classified as urgent, important or routine) and configured to determine whether or not to transmit an alert signal based upon the call classification (Figure 3; col. 4, line 15-42; call is rejected unless number is an accepted programmed number); and selectively transmitting an alert signal according to the call classification (Figure 3; col. 4, line 15-42; call notification selectively chosen by database entry). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify OSBORN to include a caller response when discriminating between calls, as taught by BACH, since BACH teaches on col. 1, line 25-35 that such a modification would allow a user to keep a cellular device on without disturbing a meeting when a call is received. However, the combination of OSBORN and BACH does not expressly disclose wherein the classification device receives a signal indicating an exceeding of a

threshold, and configured to determine whether or not to transmit an alert signal based upon the received signal indicating an exceeding of a threshold. In the same field of the endeavor, HALLER discloses wherein a classification device receives a signal indicating an exceeding of a threshold, and configured to determine whether or not to transmit an alert signal based upon the received signal indicating an exceeding of a threshold (Figure 5a, 5b; abstract; paragraph 88-89). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of OSBORN and BACK to include receive an alert signal when exceeding a threshold, as taught by HALLER, since HALLER states that such a modification would allow a user to receive status alerts of nearby short ranged wireless devices (paragraph 5-10).

Regarding claim 2, OSBORN discloses a wireless transmit/receive unit (WTRU) comprising: a first communications transceiver configured to communicate with a wireless network in accordance with network protocols (column 4:lines 15-45; as a cell phone in used in the specification, the device inherently includes a means for communicating with a wireless network in accordance with a network protocol); a second communications transceiver, receivable by a remote signaling unit, for providing a user with an indication of an incoming call or an alert signal indicating that a threshold has been exceeded in one of the network devices (column 7:lines 5-53); circuitry to classify an incoming call based on information from a database (column 6:lines 35-48; calls are classified according to user indication of call numbers within a memory [database] of the device); and circuitry to transmit data through the local radio link

transmitter concerning calls in accordance with the call class (column 6:lines 35-48). However, OSBORN does not expressly teach classifying an incoming call based on a caller response to a query and selectively transmitting data in accordance to call class. BACH discloses classifying an incoming call based on a caller response to a query (column 2:line 54-column 3:line 26; BACH allows the call the ability to be classified as urgent, important or routine) and selectively transmitting data in accordance to call class (Figure 3; col. 4, line 15-42; call notification selectively chosen by database entry). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify OSBORN to include a caller response when discriminating between calls, as taught by BACH, since BACH teaches on col. 1, line 25-35 that such a modification would allow a user to keep a cellular device on without disturbing a meeting when a call is received. However, the combination of OSBORN and BACH does not expressly disclose wherein the first communications transceiver is configured to transmit an alert signal when receiving a signal indicating that a threshold is exceeded in one of a network devices. In the same field of the endeavor, HALLER discloses a first communications transceiver configured to transmit an alert signal when receiving a signal indicating that a threshold is exceeded in one of a network devices (Figure 5a, 5b; abstract; paragraph 88-89); and a second communications transceiver for providing a user with an indication of an alert signal indicating that a threshold has been exceeded in one of the network devices (Figure 5a, 5b; abstract; paragraph 88-89). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of OSBORN and BACK to

include receive an alert signal when exceeding a threshold, as taught by HALLER, since HALLER states that such a modification would allow a user to receive status alerts of nearby short ranged wireless devices (paragraph 5-10).

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. OSBORN further discloses further comprising the local radio link transmitter further providing caller identification data for display on the remote signaling unit (column 6:lines 19-35).

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. OSBORN further discloses further comprising the local radio link transmitter provided as part of a transceiver, thereby permitting the user to communicate through the WTRU by use of the local radio link (column 5:line 5-column 6:line 4).

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. OSBORN further discloses wherein the WTRU using CLID data in said discrimination between classes of incoming calls (column 6:line 20-48). However, OSBORN does not disclose wherein the WTRU includes a circuit which uses a caller response in said discrimination between classes of incoming calls. BACH discloses wherein the WTRU includes a circuit which uses a caller response in said discrimination between classes of incoming calls (column 2:line 54-column 3:line 26). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify OSBORN to include a caller response when

discriminating between calls, as taught by BACH, as this allows the user notification of a call with urgent priority status.

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. OSBORN further discloses further comprising: the local radio transmitter provided a transceiver for providing communication with one or more remote communication units (column 5:line 36-column 6:line 4; column 7:lines 5-43); and circuitry to transmit data through the local radio link transceiver concerning calls, and to communicate with at least one of the remote communication units, thereby providing simultaneous communication between a wireless network connection and plural ones of the remote communication units (column 5:line 36-column 6:line 4; column 7:lines 5-43).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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AB

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